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REMARKS

Claims 1-46 are currently pending in the subject application and have been allowed. This Reply is presented in order to correct certain formalities identified in the Office Action dated August 12, 2003.

I. Objection under 37 CFR 1.172(a)

The application has been objected to pursuant to 37 CFR 1.172(a) as the assignee has not established its ownership interest in the patent for which reissue is being requested. A Statement under 37 CFR 3.73(b) (PTO/SB96) and a Reissue Application Declaration by Assignee (PTO/SB52) executed by Glenn Frankenger, Corporate Counsel for Assignee Symbol Technologies, Inc. are being filed herewith. The Reissue Application Declaration by Assignee states "The entire title to the patent identified below is vested in said assignee."

Accordingly, withdrawal of this objection is respectfully requested.

II. Loss/Inaccessibility of the Original Patent

The original patent, 5,931, 873, is lost and/or inaccessible as set forth in the Statement As to Loss of Original Patent (PTO/SB/55) executed by Glenn Frankenger, Corporate Counsel for Assignee Symbol Technologies, Inc. and filed herewith.

III. Reissue Application Declaration by Assignee

The Reissue Application Declaration by Assignee executed by Glenn Frankenger, Corporate Counsel for Assignee Symbol Technologies, Inc. provides

At least one error upon which reissue is based is described as follows:

One of the reasons upon which reissue is based is due to the patentee failing to claim subject matter relating to a portable device comprising a housing, a bar code reader, and, a thumb wheel a thumb wheel adapted to facilitate user interaction with the portable device, the thumb wheel including a wheel portion rotatable about an axis, the wheel portion being selectably rotatable about the axis to facilitate a user selecting at least one function from a plurality of functions displayed on the display, and at least a portion of the thumb wheel extending from the housing, the wheel portion being transaxially moveable and wherein transaxial movement of the wheel portion initiates selection of the at least one function as set forth in newly added claim 23. This failure caused the patentee to claim less

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than he had the right to claim in the patent. This subject matter is shown in Figure 1 and is discussed in the patent, for example, at column 3, lines 37-50 and column 4, lines 42-28.

The Reissue Application Declaration by the Assignee further provides "All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant."

Accordingly, withdrawal of this objection is respectfully requested.

IV. Claims 23-46

Claims 23-46 have been underlined in their entirety with no bracketing in accordance with the Examiner's request. Support for the subject matter of claims 23-46 is included, for example, at column 3, lines 37-67, column 4, line 42 to column 5, line 18, Fig. 1, Fig. 2, and, column 10, lines 8-35. Specifically, a bar code reader is described at column 4, lines 42-49 and column 5, lines 15-18. A card slot is described at column 4, lines 55-64.

Conclusion

The present application is believed to be condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited. In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 (Ref: TELNP120USA).

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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